REMARKS

Claims 2 and 8 are independent and stand rejected under 35 U.S.C. § 102 as being anticipated by Anderson '137 ("Anderson"). This rejection is respectfully traversed for the following reasons.

Claim 2 recites in pertinent part, "wherein image data ... is transferred from the image memory to the storage medium *while the series of images is presented by the display.*" Claim 8 similarly recites in method format, "temporarily storing the compressed image data on an image memory; ... storing the compressed image data successively on a storage medium *while the series of images is presented on a display* based on the image data stored on the display memory." According to one aspect of the present invention, it is made possible for a user to be allowed to review consecutive shots instantaneously without needing to wait for the extended period of time needed to complete data transfer to the storage medium.

It is respectfully submitted that Anderson is completely silent as to a transfer of the image data from the alleged image memory 532 to the alleged storage medium 354 while the series of images is presented by the alleged display 402. The Examiner references the parallel processing that takes place in the background spooling process 618 and concludes that "the transfer of image data from the image memory to the storage medium occurs while the image data is displayed on the display." However, Anderson does not disclose that image data *from the frame buffers 536* is transferred to the display 402 in parallel with the image data transferring which occurs in the background spooling process 618. Rather, Anderson discloses only that parallel processing takes place *within the background spooling process 618*. As noted by the Examiner, the processing within the background spooling process 618 is intended simply to move data out of the input buffers 538 quickly to free them for capturing another image, and is therefore

irrelevant to the timing for the process by which data is transferred from the frame buffers 536 to the display 402. Indeed, Anderson does not disclose any correlation between the data transfer within the background spooling process 618 and the data transfer from buffers 536 to the display 402, let alone suggest parallel processing thereof.

In fact, regarding the data transfer to the display 402, Anderson expressly discloses that “[a]fter converting the data to YCC, the YCC image data is stored in the frame buffer 536 [and the] LCD controller 390 *then transfers* the processed image data from the frame buffers to the LCD screen 402 for display” (emphasis added; col. 6, lines 25-28). As shown in Figure 7 of Anderson, the YCC conversion is subsequently positioned relative to the background spooling process 618 effected through input buffers 538, so that it would follow that the transfer of the processed image data from the frame buffers 536 to the LCD screen 402 for display would occur subsequent to the background spooling process 618 rather than in parallel therewith as relied on by the Examiner. In this regard, Anderson appears to teach away from transferring image data from the alleged image memory 532 to the alleged storage medium 354 *while the series of images is presented by the display*. Nonetheless, Anderson certainly does not disclose or suggest image data that is transferred from the image memory to the storage medium while the series of images is presented by the display. Moreover, as noted above, Anderson is not concerned with image viewing efficiency but rather is directed to capture processing, and therefore Anderson provides no disclosed need or desire to process the transfer to the display 402 in parallel with the background spooling process 618. Only Applicants have recognized and considered image viewing efficiency, and conceived of a novel and non-obvious means by which it can be possible to effect improvement thereof.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Anderson does not anticipate claims 2 and 8, nor any claim dependent thereon. The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 3 because the proposed combination fails the "all the claim limitations" standard required under § 103. It is noted that Kuchta, relied on by the Examiner in the § 103 rejection against dependent claim 3, does not obviate the aforementioned deficiencies of Anderson.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 2 and 8 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

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Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

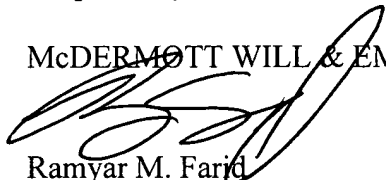
### **CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Ramyar M. Farid  
Registration No. 46,692

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 RMF:MaM  
Facsimile: 202.756.8087  
**Date: June 22, 2006**

**Please recognize our Customer No. 20277  
as our correspondence address.**